



Los Angeles County
Department of Regional Planning


Planning for the Challenges Ahead



Richard J. Bruckner
Director

October 15, 2013

TO: Alex Garcia
Hearing Officer

FROM: Jeantine Nazar 
Zoning Permits East Section

SUBJECT: **Project No. R2012-02325 – (4)**
Conditional Use Permit No. 201200136
October 15, 2013 Public Hearing Meeting
Agenda Item: 3

Please find attached a copy of the Draft Findings with proposed changes to Finding Numbers 10, and 15 as instructed during the Hearing Officer meeting on August 20, 2013.

MM: JN
Attachments

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02325-(4)
CONDITIONAL USE PERMIT NO. 201200136**

1. **ENTITLEMENT REQUESTED.** The applicant, T-Mobile, is requesting a Conditional Use Permit (CUP) to authorize the continued operation and maintenance of a wireless telecommunications facility (WTF) mounted on a 50-foot monopalm and the modification of the existing equipment. Pursuant to County Code Section 22.28.160 radio and television stations and towers are allowed provided a conditional use permit has been obtained in the C-2-BE (Neighborhood Business, Billboard Exclusion) Zone.

2. **HEARING DATE: August 20, 2013
PROCEEDINGS BEFORE THE HEARING OFFICER**

A duly noticed public hearing was held on August 20, 2013 before the Hearing Officer, Alex Garcia. The applicant's representative, Argineh Mailian, presented testimony in favor of the application and requested to modify Condition number 30, to include a reduction in the length of the brackets from 10-feet to 6-feet in lieu of providing additional fronds to camouflage the antennas.

There being no further testimony, the Hearing Officer continued the Hearing to October 15, 2013 for the applicant to revise the plans and to provide photo simulations reflection the proposed changes.

3. **PROJECT DESCRIPTION.** The subject project is at the south-westerly corner of a shopping mall located at 1725 S Nogales Street, within the community of Rowland Heights. The applicant requests the continued operation and maintenance of the existing wireless facility approved under CUP 02-001. Additionally, the applicant requests to modify the existing facility by replacing the antennas with six new antennas in three existing sectors, two per each sector, install three twin AWS (Advanced Wireless Services), TMA (Twin Mounted Amplifiers), one per each sector, install one new hybrid fiber cable, paint antennas to match the existing monopalm as well as replace one existing cabinet with two new cabinets and add a 19" rack mounted to the ground within the existing equipment lease area.
4. **LOCATION.** The project is located at 1725 S Nogales Street within the community of Rowland Heights in the Rowland Heights Community Standards District.
5. **SITE PLAN DESCRIPTION.** The site plan depicts a 50-foot monopalm and an equipment shelter situated within a 19'-0" x 25'-9", lease area, at the south-west corner of a shopping center. A 15' easement provides access to the facility from South Nogales Street. The plan depicts existing Telco pedestal and transformer on the south-east of the subject property. The antenna layout depicts nine new AWS TMAs, one on each arm for a total of three and two on each sector for a total of six replacing the existing antennas. The elevation plan depicts the 50-foot high monopalm and the proposed antenna centers at 44'-8" along with one new cabinet

within the lease area. The antennas mounted on the monopalm are 5 feet in height.

6. EXISTING ZONING.

The subject property is zoned C-2-BE (Neighborhood Business-Billboard Exclusion) Zone. Surrounding properties are zoned as follows:

North: C-2-BE (Neighborhood Business-Billboard Exclusion)
South: A-1-6,000 (Light Agricultural Zone-6,000 square feet minimum lot size)
East: C-2-BE (Neighborhood Business-Billboard Exclusion)
West: A-1-6,000 (Light Agricultural Zone-6,000 square feet minimum lot size).

7. EXISTING LAND USES.

The subject property is developed with a commercial center. Surrounding properties are developed as follows:

North: Retail
South: Church
East: Shopping Center
West: Flood Control Channel/Residential

8. PREVIOUS CASES/ZONING HISTORY.

CP 02-001-Approved a conditional use permit to construct a WTF consisting of a 50 foot monopalm with appurtenant equipment on June 20, 2002. This permit expired on June 30, 2012.

9. GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.

The project is located within the C-Commercial land use category of the Rowland Heights General Plan. The commercial land use designation is intended for commercial uses and allows for retail commercial, service and office uses. The subject facility complies with this commercial land use designation by providing a telecommunication facility serving the residents of the Rowland Heights community and therefore consistent with the permitted uses of the underlying land use category.

The Rowland Heights CSD was established to implement the Rowland Heights Community Plan and it provides development standards to ensure that the residential character is retained. The following applicable Code Sections of the County Code, in the Rowland Heights CSD establish the following development standards:

The subject site is located near a residential neighborhood and the existing monopalm is 50 feet in height. Pursuant to Sections 22.44.132.(D).3.a and 22.44.132.(D).2.e, of Rowland Heights Community Standards District, a minimum setback of 38 feet is required for a 50-foot high structure adjacent to a residential lot. The total setback from the monopalm to the adjacent residential lot is 64 feet. This includes a 14 feet setback from the property line to the monopalm and a 40

foot drainage channel located between the subject property and the adjacent residential lot. Therefore, the subject monopalm complies with the CSD requirement.

10. **Neighborhood Impact/Land Use Compatibility.**

The Rowland Heights Community Coordinating Council in their Board Meeting on August 14, 2013 voted in favor of the project.

11. The Hearing Officer finds that the previous condition number 1k of CUP 02-001 requiring a decorative wrought iron enclosure can be modified to require a wrought iron fencing which is not decorative.

12. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

13. **PUBLIC COMMENTS.** One phone call regarding this project was received. The caller was not satisfied with the information provided regarding the location and description of the project.

14. There are no current open violations on the property at this time.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

15. The facilities would operate within safety standards of the Federal Communications Commission (FCC), and any sounds generated would be minimal. The proposed antennas 56-inche-high is relatively smaller than the existing antennas 59-inche-high. The applicant proposes to camouflage the proposed antennas and increase the aesthetic impact.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

16. The subject property is located near a residential neighborhood. The existing monopalm is 50 feet in height. However, the monopalm is setback 14 feet from the property line. Further, the subject lot is separated from the adjacent residential lots by a 40 foot drainage channel. Therefore the total of 64 feet separation from the adjacent residential lots complies with the CSD requirements of Sections 22.44.132.(D).3.a and 22.44.132.(D).2.e requiring that any structure less than or equal to a total of 15 feet in height, on lots or parcels of land adjoining a residential zone, shall have a minimum setback of three feet from the property line adjoining the residential zone. Any such structures or additions to structures over 15 feet in height shall add a minimum setback of one foot for each additional foot of the

structure's height over 15 feet, applicable to those portions of the structure exceeding 15 feet.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

17. The property is adequately served by South Nogales Street, a 100 foot public Street, without level-of-service issues associated with this project.

Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

18. The project consists of authorizing relatively small changes which would not increase the height or the lease area and are incidental to the existing operation of the facility.

Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

19. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years.
20. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. The Hearing Officer has considered the Categorical Exemption of the project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on environment.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit Number 201200136 in the Fourth Supervisorial District is **Approved** subject to the attached conditions.

MM: JN
October 15, 2013

c: Hearing Officer, Zoning Enforcement, Building and Safety